

**Stanhope Land Use Board
July 10, 2017
Regular Meeting
Minutes**

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**STANHOPE
BOROUGH**

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Maguire invited all those present to stand in a salute to the colors.

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Meeting was forwarded to the New Jersey Herald and Daily Record on January 10, 2017 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - present
James Benson – present
Michael Depew - present
Rosemarie Maio – present

Thomas Pershouse - present
John Rogalo – absent
Joseph Torelli - absent
Paula Zeliff-Murphy - present
John Maguire – present

Others present: Board Attorney Glenn Gavan, Board Engineer Eric Keller and Board Secretary Ellen Horak

MINUTES

June 21, 2017 Regular Meeting – On motion by Mayor Maio, seconded by Mr. Depew, the Minutes of the June 21, 2017 meeting were approved on majority voice vote. Mr. Benson and Ms. Zeliff-Murphy abstained.

CORRESPONDENCE

6-30-17 Steve Solecki – Variance Application for Block 11001, Lot 7.02

07-10-17 Eric Keller, Board Engineer -Review of Variance Application of Ryan Leavy re: Blk 11304, Lots 6 & 7

On motion by Ms. Zeliff-Murphy, seconded by Mayor Maio and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

COMPLETENESS

17-02, Steve Solecki

Block 11001, Lot 7.02 Variance Application

Application Rec'd: 6/30/17

45 days: 08/14/17

Chairman Maguire stated the Completeness Review Committee reviewed the application and recommends it be deemed incomplete. There are a number of items missing that are need in order to be deemed complete. Chairman Maguire informed the applicant that he needs to submit a detailed drawing of the exact location of the deck and the proposed setbacks that are going to exceed the code. On motion by Ms. Zeliff-Murphy, seconded by Mr. Bielanowski and carried by the following unanimous roll call vote, 17-02, Steve Solecki variance application for Block 11001, Lot 7.02 was deemed incomplete due to the omission of a detailed drawing of the location of the deck and the proposed and required setbacks according to the code.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Depew, Mayor Maio, Mr. Pershouse, Ms. Zeliff-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: None

NEW HEARING:

17-01, Ryan Leavy

Block 11304, Lot 6 & 7, Variance Application

Deemed Complete: 6/12/17

120 days: 10/10/17

Jeffrey Careaga of the firm of Careaga Engineering was sworn in and qualified as a licensed professional engineer who has appeared before this Board and numerous other Boards in the State of New Jersey. Mr. Careaga appeared on behalf of the applicant who, due to illness, was unable to be present. Mr. Careaga noted the application is for the construction of a new house at 30 Linden Avenue. The property is in the historic village residential zone. The lot area requirement is 10,890 sq. ft. and they have 15,899 sq. ft. The lot width requirement is 50' and they have existing 100'. The front yard setback requirement is 20' and they are proposing 26.5'. The side yard setback requirement is 10' and they are proposing 13.75' and the rear yard setback requirement is 20' and they are proposing 49.6'. The applicant is requesting a variance for maximum impervious coverage. They are permitted 30% and are proposing 36.2%. They meet the height requirement. The requirement for off-street parking is 2 parking spaces and they are providing 4 parking spaces. The only other variance required is maximum driveway slope and critical slope disturbance. Mr. Careaga directed the Board to Sheet 2 of 4 of the plans submitted that shows the vacant lot and the surrounding lots which have houses. The property is steep right off Linden Avenue and then flattens towards the back of the property. They are disturbing more of the steep slope than permitted in the zone. Mr. Careaga noted if you follow the grade across the street and to the back of the property, it shows a straight line. In order to access the property, there is no way around disturbing the steep slopes. If the house was moved back further, there would be more impervious coverage. The proposed location is similar to the other houses on the street. The area will need to be disturbed for the utilities to run into the house so it will be disturbed regardless of if the house is located there. The total drop from the street to the house is about 10 feet and 80 feet to the back of the house. They are maintaining a grade similar to what it is in the driveway. The layout of the house is the best they can do with this arrangement. They will be disturbing 75% of the steep slopes; however, it is only in the front. All disturbance is concentrated in the front of the property. The property is serviced by public water and public sewer. Mr. Careaga added they will handle any stormwater run-off with the installation of drywells and there will be a catch basin at the base of the driveway. The intent is to meet all requirements of the State and the Borough. Mr. Careaga said the driveway slope can be modified to some degree if required for an approval.

Board Engineer Eric Keller address items in his Memorandum, which was previously distributed to the Board and Mr. Careaga. An administration issue is that there was no survey was submitted with the

application and the survey is a necessary document. Mr. Careaga will provide a survey of the property. Mr. Keller stated he has no issue with the steeper driveway, but his concern is that they make sure cars do not "bottom out". This has been an issue in the past and the Borough will not be responsible for fixing any problems with access from the street. Mr. Careaga responded they looked at the impact today and they can regrade the driveway to meet Borough standards, but they will then end up with a steeper driveway at 12.5% as opposed to 12%. Mr. Keller had no objection to the change. Mayor Maio asked if they can use impervious asphalt for the driveway. Mr. Careaga responded in the negative. Mr. Keller noted there is upkeep for impervious asphalt which is not feasible to expect a homeowner to do, i.e. vacuuming the asphalt. Mayor Maio expressed concern with run-off onto the property behind the applicant's lot. Mr. Careaga responded the drywell will take that run-off. If the Board Engineer requires it be larger, he will go by the Board Engineer's calculations. Mr. Keller expressed concern that there was no soil test done. He would like to see a soil test in the vicinity of the drywell to make sure they will not hit rock. Mr. Careaga agreed to performing a soil test and suggested it be made a condition of any approval granted by the Board. Mr. Keller noted there are no inverts on the existing sanitary sewer in Linden Avenue and this information is needed to determine if the house can be served by a gravity sewer. It can be done by a grinder pump or sewer injection and requirement of a sewer injection system should be a condition of any approval and it must be shown in the deed. Ms. Maio stated the Borough would prefer it be in the deed so it stays with the property, not the homeowner. The Borough will have no responsibility for it. Mr. Keller also said that with respect to the drywell, it was not clear how stormwater runoff is to get into the proposed inlet because he did not see anything to direct water into the proposed inlet. The design approach should be reconsidered. Mr. Careaga responded they will address Mr. Keller's comments. Mr. Keller stated in reviewing the architectural plans, it appears there is a garage underneath the house. There was no basement plan provided and on the garage area there are 2 garage doors and a large area that has access to a manned door. Mr. Keller asked the Board if they would accept testimony from someone who is not a professional planner because there needs to be testimony for justification of the impervious coverage. This is an oversized lot and there is an issue with impervious coverage. It is over the permitted amount by 6.2% which is about 900 to 1,000 square feet. Mr. Careaga said most of the impervious coverage is due to the driveway and they need that area to allow for turn-around of vehicles. Mr. Gavan asked for clarification on how many garage bays are proposed in the plans. Mr. Careaga responded there are 3. Mr. Careaga added there is a shop included in the garage. The Board reviewed the plans for the house and garage and questioned access and the large amount of impervious coverage. It was noted that if the shop was not included, it would take off about 400 sq. ft. of impervious coverage and thereby reduce the need for the variance by 400 sq. ft. Ms. Maio questioned the size of the shop and asked if it would be used for commercial purposes. Mr. Careaga responded in the negative. Mr. Keller suggested making it a condition of any approval that the use of the shop be residential only. The Board questioned possibly removing one of the bays for the car and putting one of cars under the house. It was noted this is a very large 3-car garage.

Amanda Leavy, sister of the applicant was sworn in. Ms. Leavy testified the shop will be used as a place for her brother to work on his motorcycle and he wants a workshop to store his tools. His intention for the area underneath is for the door to be a roll-up door and be for storage. His future plan is to have the space for his mother, in the event it is necessary she moves in with him and it would not require her to have to go up any stairs. Chairman Maguire noted they are missing the basement layout and this should be provided to the Board. Mr. Careaga stated there is a garage door going into the basement, but it is not intended to store cars. Ms. Leavy stated the applicant would like to keep the shop and garage. Mr. Gavan stated there are requirements that must be met for the Board to approve a variance and the "wants" of an applicant are not considered as a requirement. If the Board denies the

variance, the applicant would be able to build the house and would need to come back to the Board with a new plan. Mr. Gavan noted all the concerns raised by the Board deal with the impervious coverage. Mr. Keller said in order for the Board to grant a variance there has to be positive criteria and negative criteria. The Board must find there is either undue hardship or practical difficulty associated with the requirements of the zoning ordinance in connection with the property; or that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance would substantially outweigh any detriment. The Board must also be satisfied that granting the variances would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance. Ms. Leavy asked if it would make a difference if the driveway was not paved. Mr. Careaga responded in the negative because gravel counts as coverage and due to the slope, it needs to be paved.

Mr. Careaga noted the suggestions of the Board regarding the large garage and said if they took one of the bays for the car and put a car under the house they would still have a detached garage (shop). Instead of a large 3-car garage they would have a large 2-car garage and it would reduce the variance by 360 square feet.

Mr. Gavan expressed discomfort with the applicant not being present and a sibling giving testimony on his behalf. He would prefer the applicant be present to hear and discuss the concerns being raised by the Board.

Chairman Maguire noted there is the driveway issue, missing items and an issue with the garage and he suggested that Mr. Careaga return with revised plans. Mr. Gavan said the Board has an issue with the total size. Chairman Maguire noted the plans show a mud room and garage and he asked if it is on the first floor or basement. Mr. Careaga responded it is the first floor. Chairman Maguire suggested possibly eliminating the mud room and making the garage 2 bays. There was also discussion about the "bonus" room indicated on Sheet 3-2. Mr. Careaga said this is the attic. Ms. Zelif-Murphy noted the bathroom is already roughed in. Mr. Pershouse suggested any approval contain the condition that this remains a one (1) kitchen house.

Chairman Maguire asked Mr. Careaga to address the concerns raised and to provide soil logs, invert and outlets for the sewer and the basement floor plan.

Mr. Gavan announced this matter will be carried to the next meeting to be held on August 14, 2017 at 7:00 p.m. with no further notice.

Chairman Maguire said the information should be provided to the Board Secretary at least ten (10) days before the next hearing date.

ADJOURNMENT:

On motion by Ms. Zelif-Murphy, seconded by Mr. Pershouse, it was the consensus of the Board to adjourn the meeting at 7:50 P.M.

Respectfully submitted,


Ellen Horak, Board Secretary